

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DONALD E. BOYD,

Plaintiff,

v.

STATE OF ARIZONA, *et al.*,

Defendants.

08-CV-4521 (WJM)

ORDER

This matter having come before the Court on the motion filed by *pro se* prisoner and plaintiff Donald E. Boyd (“Boyd”) seeking an order directing the New Jersey State Prison to deliver outgoing legal mail on a timely basis, namely within two business days of receipt; the Court noting that prisoners have a constitutional right of access to the courts but that where an inmate does not allege an actual injury to his ability to litigate a claim, this right has not been violated, *Lewis v. Casey*, 518 U.S. 343, 355-356 (1996); the Court noting that prisoners have a right of access to the mail system but that this right is not unlimited and that there are important safety considerations that can necessitate delays or restrictions on prisoners’ access to the mail, *see Turner v. Safley*, 482 U.S. 78, 90 (1987), *see also Nasir v. Morgan*, 350 F.3d 366, 375 (3d Cir. 2003); the Court noting that in the incident of which Boyd complains, an opposition brief that he claims was rendered untimely by the prison’s failure to mail it for 11 days was nevertheless accepted and considered by the Court when rendering its opinion such that Boyd was not harmed;

the Court noting that it routinely holds *pro se* prisoner litigants such as Boyd to less stringent standards than it would litigants represented by counsel, *see Erickson v. Pardus*, 551 U.S. 89, 94 (2007); the Court finding that no claim has been lost by Boyd and therefore that he has not been deprived of his constitutional right of access to the courts; the Court being unaware of any legal theory or precedent granting it the authority to direct the prison system to deliver mail within a two day period as requested by Boyd when there has been no constitutional violation; the Court being open to novel arguments but finding that Boyd has provided absolutely no rationale or reasoning in support of his position; and for good cause,

IT IS on the 22nd day of July 2010, hereby

ORDERED that Plaintiff's motion is **DENIED WITH PREJUDICE**.

/s/ William J. Martini
WILLIAM J. MARTINI, U.S.D.J.